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Report of the Special Rapporteur on extreme poverty and human rights on his mission to Saudi Arabia

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the Special Rapporteur on extreme poverty and human rights on his mission to Saudi Arabia from 8 to 19 January 2017. While the Special Rapporteur welcomed the deeply transformative economic and social agenda, such as Vision 2030, he noted with concern the absence of reliable and systematic evidence of and statistics on poverty, which are essential as a foundation for rational and informed decision-making. He furthermore found that the various social assistance programmes managed by different ministries, public authorities and charities result in an inefficient, unsustainable, poorly coordinated social protection system that is unable to provide comprehensive assistance for those who are most in need. The report addresses the challenges that persist for women in fully realizing their human rights, including the rights to work and social security, and the situations of female migrant domestic workers and non-Saudis, who are among the poorer segments of Saudi society. The Special Rapporteur recommends, inter alia, that the Government recognize the right to social protection as a human right and reflect its human rights obligations in its socioeconomic reform agenda. Meaningful consultations with and participation by the public on the reform agenda are critical, not only as a matter of human rights but also as a matter of good planning and ensuring essential public support.

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Report of the Special Rapporteur on extreme poverty and human rights on his mission to Saudi Arabia*

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* Circulated in the language of submission and Arabic only

I. Introduction

1. Pursuant to Human Rights Council resolutions 8/11 and 26/3, the Special Rapporteur on extreme poverty and human rights visited Saudi Arabia from 8 to 19 January 2017. The purpose of the visit was to report to the Council on the extent to which the Government's policies and programmes relating to extreme poverty are consistent with its human rights obligations and to offer constructive recommendations to the Government and other stakeholders.

2. The Special Rapporteur is grateful to the Government for inviting him to Saudi Arabia and to the office of the Saudi Human Rights Commission for its full support in coordinating the visit, particularly with regard to meetings with government officials. The visit was significant because it was the first visit to the Kingdom by an independent expert of the United Nations special procedures system since 2008 and only the third such visit in the last three decades. Throughout the visit, government officials highlighted the importance the Government attached to the visit and to openness in exchanges with the United Nations and other international actors. For the most part, the government officials with whom the Special Rapporteur met made a genuine effort to be transparent.

3. The Special Rapporteur met with the following authorities: the Minister of Labour and Social Development; the Minister of Housing; the Minister of Islamic Affairs; the President and other senior officials of the General Authority for Statistics; the Director-General of the General Authority of Zakat and Tax; the President of the Human Rights Commission and the Chairman of the National Society for Human Rights; the Director-General of the King Salman Humanitarian Aid and Relief Centre; senior officials of the Ministry of Economy and Planning, the Ministry of the Interior, the Ministry of Municipal and Rural Affairs, and the Ministry of Justice. At the governorate level, the Special Rapporteur met with the Prince of Riyadh and the Prince of Jizan. He also met with the Directors-General and other senior officials of the Ministry of Labour and Social Development in Jeddah and Jizan, as well as with representatives of the Committee on Human Rights, the Committee on Economy and Energy and the Committee on Social, Family and Youth Affairs of the Shura Council, and a number of government-funded institutions, including the Social Development Bank and the National Charity Fund.

4. In addition, the Special Rapporteur met with a significant number of representatives of international organizations, the diplomatic community, academic experts, charity organizations, foundations and other civil society experts.

5. The Special Rapporteur and his team also undertook a number of site visits. In the context of those visits, the Government generally respected the freedom of movement of the Special Rapporteur, as provided for under the revised terms of reference for country visits by special procedure mandate holders of the United Nations Human Rights Council.[1]

6. The Special Rapporteur greatly appreciates the assistance provided by various international and non-governmental organizations and experts who provided in-depth briefings before and during his mission to Saudi Arabia. He is particularly grateful to the United Nations Resident Coordinator and his team in Riyadh for their support.

II. Vision 2030 and the importance of human rights

7. The timing of the visit was particularly important in the light of the large-scale economic, social and cultural transformation that is currently under way in the Kingdom. Vision 2030, the National Transformation Programme 2020, the Fiscal Balance Programme and other policies all reflect an ambitious and deeply transformative agenda, driven by a combination of economic necessity, social evolution and bold political leadership. The implications for human rights are many and varied, and poverty elimination and social protection are an important part of the new strategy. The transformative agenda provides a

[1] See www.ohchr.org/Documents/HRBodies/SP/ToRs2016.pdf

context for the Government in which to reassess both human rights policy and anti-poverty policy and the interrelationship between the two.

8. The place of human rights discourse in Saudi Arabia remains somewhat ambivalent. On the one hand, government officials point to the ratification of several core international human rights treaties, its membership of the Human Rights Council, its preparation of a national human rights action plan, a sizeable Human Rights Department in the Ministry of Islamic Affairs and various other initiatives. On the other hand, some authorities also tend to view human rights as an alien concept and one that is not easily reconciled with the Kingdom's Islamic character or the dominant role of the ruling family. They are also keen to invoke sovereignty and cultural traditions as limits on engagement with human rights. However, as in most countries today, societal change in the Kingdom is driven by both external and internal factors. One third of its inhabitants are foreigners, its businesses are increasingly globalized, a high proportion of its educated elite have spent extended periods studying overseas, its citizens are avid consumers of the latest information and communications technologies, and international standards in many fields have become an integral part of the framework for public policymaking. The reality is that Saudi Arabia is now an integral and deeply connected part of the post-war global order, of which human rights is a key pillar.

9. It is therefore essential that the Government should recognize that its socioeconomic reform agenda is unavoidably linked to its human rights obligations. Vision 2030 highlights the objective that Saudis "live in accordance with the Islamic principle of moderation, are proud of their national identity and their ancient cultural heritage, enjoy a good life in a beautiful environment, are protected by caring families and are supported by an empowering social and health care system". The Vision is also said to be "built on an effective, transparent, accountable, enabling and high-performing Government".[1] It is important to underline that those objectives are not in conflict with human rights. The idea of a good life in which individuals and families are protected also lies at the heart of the human rights framework. It is compatible with human beings being "born free and equal in dignity and rights" (Universal Declaration of Human Rights, art. 1), the notion that the family "is the natural and fundamental group unit of society and is entitled to protection by society and the State" (art. 16) and, among others, with the human right to "a standard of living adequate for the health and well-being of himself and of his family" (art. 25) and to social security (art. 22).

10. The emphasis Vision 2030 puts on the accountability of the Government also resonates with the fact that "the principle of accountability provides the overarching rationale for the establishment of an international human rights regime" (see A/HRC/32/31, para. 29). That principle operates at two levels: accountability to the international community and accountability of governments to their citizens and other rights-holders.

11. The Secretary-General observed during a recent visit to the Kingdom that Vision 2030 "corresponds with the 2030 Agenda for Sustainable Development that the United Nations are promoting everywhere in the world".[2] The 2030 Agenda for Sustainable Development in turn is based on the idea that sustainable development should be grounded in the Universal Declaration of Human Rights and international human rights treaties (see General Assembly resolution 70/1). The international human rights community has long drawn attention to human rights issues in Saudi Arabia such as the arbitrary arrest and imprisonment of peaceful protesters, the use of the death penalty, discrimination against religious minorities and discrimination against women. While recent reports indicate all too little progress on most of these crucial issues,[3] it should be acknowledged that there are

[1] See http://vision2030.gov.sa/en/node/132.

[2] United Nations Secretary-General, Opening remarks at press encounter with Foreign Minister Adel bin Ahmad al-Jubeir of the Kingdom of Saudi Arabia, Riyadh, 12 February 2017. Available from www.un.org/sg/en/content/sg/speeches/2017-02-12/secretary-general%E2%80%99s-remarks-press-encounter-saudi-arabia.

[3] For example, Human Rights Watch, *World Report 2017*, p. 510. Available from www.hrw.org/world-report/2017.

other important human rights issues in the Kingdom that warrant attention, including those raised by Vision 2030. With regard to some of those issues, Saudi society is evolving in a potentially positive direction.

III. Poverty and social protection reform in Saudi Arabia

A. Poverty in Saudi Arabia

12. Many Saudis are convinced that their country is free of poverty. In discussions before and during the visit, the Special Rapporteur was often told that there are no homeless or hungry people in the Kingdom, and that the innate spirit of generosity within the society ensures that there is no poverty. While those observations are not without merit, and Saudis have much to be proud of concerning the economic development of their country in recent decades, it is also important to probe those claims more carefully.

13. In defining poverty, the Special Rapporteur has consistently emphasized that it is a multidimensional phenomenon requiring consideration not just of income and wealth, but also of other factors such as access to basic services, problems of exclusion and powerlessness. That is in line with capability and minimum rights approaches to poverty,[3] and is consistent with the approach taken by international agencies such as the United Nations Development Programme (UNDP) in its Multidimensional Poverty Index.[4]

14. It is also important to distinguish between absolute and relative poverty lines.[5] The best-known example of an absolute, unidimensional, poverty line is the World Bank's $1.90 a day standard. Clearly, such a low global standard has limited relevance for a richer country like Saudi Arabia and in such a context any meaningful measure of poverty must reflect the specific circumstances of the country.[6] It is for that reason that in richer countries like Saudi Arabia, a relative poverty line is more commonly and appropriately used.[7]

15. Until very recently, the Government carefully avoided using the term "poverty" and opted instead to speak of vulnerable or needy persons. The reluctance to confront the reality of poverty should have started to change after a groundbreaking visit in 2002 to poor areas in Riyadh by the then Crown Prince Abdullah, which led to the preparation of a National Poverty Reduction Strategy in 2005. However, the failure ever to have published the Strategy is symptomatic of a determined lack of transparency that has characterized the Government's anti-poverty work since then.

16. One of the most striking general characteristics of Saudi policymaking in the past has been the lack of reliable, and often of any, statistics worthy of the name. Virtually every observer with whom the Special Rapporteur spoke outside of Government, and even many within, acknowledged that the present system is deeply flawed by the absence of the reliable and systematic evidence required as a foundation for rational and informed decision-making. The observations about the unavailability of data in Saudi Arabia are of course not new. Economists and political scientists writing about the Kingdom consistently

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[3] World Bank Group, *Measuring Global Poverty: Report of the Commission on Global Poverty*, (Washington, DC, International Bank for Reconstruction and Development/The World Bank, 2017), p. 150.

[4] See http://hdr.undp.org/en/content/multidimensional-poverty-index-mpi.

[5] See François Bourguignon, "Absolute poverty, relative deprivation and social exclusion", Villa Borsig Workshop Series, 1999. Available from www.gdnet.org/BourgignonRelativeDeprivation.pdf.

[6] Martin Ravallion, "Poverty comparisons: a guide to concepts and methods", Living Standards Measurement Study, Working Paper No. 88 (Washington, DC, International Bank for Reconstruction and Development/The World Bank, 1992), p. 25.

[7] A recent policy analysis by the King Khalid Foundation called for the study of alternative options for calculating a relative poverty line for the Kingdom, and for setting a "sufficiency line" defining minimum reasonable living standards. Available from www.kkf.org.sa/en/Advocacy-Gov/Report/Pages/default.aspx. See also Martin Ravallion, "Poverty comparisons", pp. 29-33.

complain about the lack of public information and even the International Monetary Fund (IMF) has been highly critical.[10]

17. During his visit, the Special Rapporteur attempted to ascertain the Government's criteria for determining who is poor or "needy" and the number of persons estimated to be in the relevant categories. When the Special Rapporteur asked officials at the Labour and Social Development Ministry, they told the Special Rapporteur to enquire at the General Authority for Statistics. At an initial meeting with senior officials of the General Authority, the Special Rapporteur was informed that no relevant information could be provided to him because that information was owned by the Ministry. When the Special Rapporteur asked the Minister of Labour and Social Development personally for that information, he telephoned the President of the General Authority, who agreed to meet with the Special Rapporteur. At the resulting meeting, the Special Rapporteur repeated the request for the criteria used and the numbers in the relevant categories. The President replied that he would consider the request, but no information has since been forthcoming, despite the absolute centrality of that information to the present report.

18. The Special Rapporteur was told that the authorities are currently revising their definitions and means of measuring poverty. That is certainly necessary given the inconsistent and inadequate definitions and methodologies used to date. Relevant officials have, in cooperation with the World Bank and the Islamic Development Bank, proposed new approaches which, if endorsed by the Royal Court, will be used to calculate poverty in Saudi Arabia in the 2020 national census. It is essential that the Government makes public the new approach, and the resulting statistics. Until 2020, authorities have to rely on imperfect household surveys to estimate the number of poor and to assess the impact of the dramatic changes to the social protection system that are envisioned.

19. Given the impact that Vision 2030 will have on Saudi society, the lack of transparency about poverty and the associated challenges are deeply problematic, for several reasons. First, in order to set priorities in its anti-poverty policies, the Government needs to have a clearer understanding of the nature and extent of the problem. Second, accurate data are indispensable in order to evaluate the anticipated and actual impact of Vision 2030 policies on the poor. Third, transparency enables Saudi society to contribute to decision-making in relation to matters of definition, methodology and measurement. Fourth, such transparency and the broader dialogue it enables will greatly strengthen the design phase. Fifth, transparency allows the Government to be held to account for shortcomings and encourages continuing adjustment and adaptation to make sure that anti-poverty and related social rights objectives are met.

20. **Recognizing the Government's recent commitment to greater transparency, the Special Rapporteur recommends that the Government:**

(a) **Make public its current plans for defining and measuring poverty;**

(b) **Organize a public consultation in which Saudi citizens are given a meaningful opportunity to comment on the relevant proposals;**

(c) **Commit to publishing the poverty statistics that result from those data collection activities;**

(d) **Ensure that appropriate privacy protections are built into the data collection systems. It is not clear to the Special Rapporteur that any serious consideration has yet been given to that dimension, even though many officials assured him that it is an especially important concern in an Islamic society.**

[10] IMF, "Staff Report for the 2016 Article IV Consultation", 29 June 2016, para. 50. Available from www.imf.org/external/pubs/ft/scr/2016/cr16326.pdf.

B. Social protection in Saudi Arabia

21. While the Government now acknowledges the existence of poverty in Saudi Arabia, many officials continue to see it as an unavoidable and thus intractable social ill. That contradicts international commitments, including in the context of the 2030 Sustainable Development Agenda, to eliminate extreme poverty and ensure a crucial role in that endeavour for social protection systems. Although social protection is a generic term used to describe a diverse array of policy approaches (see A/69/297, para. 21), a recent Organization of Islamic Cooperation (OIC) report defines it as including contributory social insurance programmes, labour market programmes and non-contributory social assistance programmes.[11] The focus in the present report will be predominantly on non-contributory social assistance programmes that are mostly directed to the poorer segments of Saudi society.

22. The problems of lack of data and transparency discussed above also affect any discussion of social protection in Saudi Arabia. Before his mission, the Special Rapporteur consulted with a large number of international organizations, civil society organizations and academic experts, all of whom confirmed that it was exceedingly difficult to get an accurate picture of the Saudi social protection situation. Several international organizations have worked with the Government on matters of poverty eradication and social protection, but in most cases the organizations are bound by strict confidentiality agreements and can therefore not share their analyses with the Saudi public or the international community. To the Government's credit, key government actors in the area of social protection were open with the Special Rapporteur when discussing some of the challenges confronting the existing system.

23. Based on all available information,[12] the following picture of the existing social assistance system emerges. In the context of the National Poverty Reduction Strategy, the Government in 2006 initiated a Supplementary Support Programme to assist the poor. That was complemented in subsequent years by various other programmes. At the core of the social assistance programme for the poor are monthly and one-time cash transfers paid by the Ministry of Labour and Social Development under Royal Decree No. M/45 of 2006.[13] Orphans, persons with disabilities, the elderly, unsupported women and unsupported families are eligible for a maximum monthly amount of SRI 5,000, for a family of 15 individuals, and a maximum one-time payment of SRI 30,000. According to the Ministry of Labour and Social Development, over 877,000 Saudi households (some 2,400,000 individuals) receive such payments currently. According to the Ministry, half of the beneficiaries are single females (widows and divorcees) without children, which explains why 877,000 households equates to only 2,400,000 individuals. While the Government insisted that those women were mostly young divorcees without children, it seems more plausible that many of them might in fact have children who, for various reasons, are not taken into account for the purpose of social assistance payments.

24. In addition to the cash transfers, a range of other benefits are provided by the Government: emergency assistance; disability allowance; marriage funds; housing loans; unemployment benefits; home furnishing and renovation assistance; school bags and uniforms for students; payment of electricity bills; benefits for terminally ill patients; and

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[11] Report commissioned by the Standing Committee for Economic and Commercial Cooperation of the Organization of Islamic Cooperation (COMCEC), "Accessibility of vulnerable groups to social protection programmes in the OIC member countries", January 2016, p. 10. Available from www.mod.gov.tr/Lists/RecentPublications/Attachments/101/Accessibility%20of%20Vulnerable%20Groups%20to%20Social%20Protection.pdf.

[12] For the best publicly available resource in English on the current system of poverty alleviation and social protection in Saudi Arabia, see Talha Fadaak, *Female Poverty in Saudi Arabia: A study of poor female headed households, social policies and programmes in Jeddah City* (LAP Lambert Academic Publishing, 2012). A recent study in Arabic by the King Khalid Foundation in Riyadh also provides an overview of the system. Available from www.kkf...org.sa/ar/Advocacy/GovReport/Pages/default.aspx.

[13] See www.hoc.gov.sa/ViewSystemDetails.aspx?lang=en&SystemID=187&VersionID=202.

higher education support. There is also a range of loans and grants available from the Social Development Bank and National Charitable Fund. It is little wonder that, with such a plethora of potential benefits, most Saudis assume that no citizen could be left wanting. In addition, there are the activities of a great many charities, funded with some SRI 500 million by the Government in 2016 as well as by private donations. Despite the best intentions, the resulting hodgepodge of programmes managed by various ministries and public authorities, as well as charities, is inefficient, unsustainable, poorly coordinated and, above all, unsuccessful in providing comprehensive social assistance to those most in need.

25. In that context, it is relevant to mention that the Special Rapporteur's team visited households in the Ghubaira, Manfuhah and Al Ud neighbourhoods of Riyadh, many of which were headed by women. Many female-headed households in Saudi Arabia are beneficiaries of government cash transfers and other programmes, but government assistance is not sufficient in the absence of employment.[14] Given the insufficiency of government benefits, many female-headed households are reliant on charities and their extended family to survive. For example, the team met with a family that consisted of a divorced woman with four children, who did not receive cash assistance from the Government because her ex-husband had committed to paying her around SRI 1,000 per month, but in practice failed to meet his maintenance obligation. While in such cases it is possible to take legal action, there are many practical barriers, including the cost of a lawyer, the need to find a male guardian willing to accompany the woman to court, and the fear of retaliation by the (ex-) husband. The Special Rapporteur's team also visited a family where the male head of household was retired and ill. That family of ten had to rely on a retirement pension of SRI 2,800 per month and an additional food allowance from a charity of SRI 1,050 per month.

26. The Ministry of Economy and Planning was admirably candid with the Special Rapporteur about the challenges in the existing anti-poverty and social protection framework. Mention was made of the following issues: (a) the lack of a true understanding of the nature of poverty in the Kingdom; (b) weak targeting, overlaps and leakage in beneficiary coverage; (c) little account taken of geographic specificity and cultural variation; (d) social protection programmes not designed for graduation; (e) the lack of a common vision across institutions; (f) weak coordination and fragmentation within and across delivery institutions; (g) institutional complexity and conflicting mandates; (h) little to no involvement from the private sector; (i) an absence of arms-length monitoring and evaluation mechanisms across social protection programmes; and (j) an absence of financial and social impact assessment of programmes.[15] That is a severe self-indictment, and Vision 2030 and the accompanying reforms are aimed at remedying those problems.

27. One key element of Vision 2030 and accompanying policies is the need to reform the subsidy system. Until recently, Saudi Arabia spent almost 10 per cent of gross domestic product (GDP) on pre-tax energy subsidies.[16] That is one of the highest percentages among oil exporters in the Middle East and North Africa Region and the highest percentage among the Gulf Co-operation Council countries.[17] According to observers, it "has led to significant distortions in the Saudi economy, which, different from most other countries in the world,

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[14] The fact that government benefits are low compared to the cost of living is made apparent by comparing the maximum monthly cash transfer under Royal Decree No. M/45 of 2006 of SRI 5,000 for a family of 15 individuals to average household expenditure data from the Government's 2013 Household Expenditure and Income Survey. Unfortunately, the survey indicates only average expenditure and not expenditure per income bracket or otherwise disaggregated to show expenditure among vulnerable groups. However, table 3 on p. 27 of the 2013 survey indicates that an average Saudi household (only Saudis are eligible for cash benefits under art. 2 of the Royal Decree) of 6.9 persons in the Riyadh region has an average monthly expenditure of SRI 18,470. Available from www.stats.gov.sa/sites/default/files/household_expenditure_and_income_survey_2013.pdf.

[15] Those challenges are not uncommon for social assistance schemes in the Middle East and North Africa Region. See ESCWA, "Integrated social policy: towards a new welfare mix, Report V" (2014).

[16] Carlo Sdralevich and others, *Subsidy Reform in the Middle East and North Africa: Recent Progress and Challenges Ahead* (Washington, DC, IMF, 2014), p. 18.

[17] Ibid.

has witnessed declining energy efficiency over the last decades".[18] In addition, per capita water consumption is among the highest in the world in the Kingdom, and water subsidies benefit the rich far more than the poor. In its December 2016 Fiscal Balance Programme, the Government outlined additional planned subsidy reforms before 2020, by which time all consumers should be paying the reference export price for previously subsidized goods and services. Chatham House has referred to those subsidy reforms as "the most radical price reform the conservative kingdom had ever witnessed".[19]

28. Part of the savings from subsidy reform will be reinvested in a new cash transfer programme that focuses predominantly, although not exclusively, on the poorer segments of Saudi society. The programme is called the Household Allowance and was announced in December 2016. By 2020, subsidy reform is expected to save SRI 209 billion per year, while the Household Allowance will cost only SRI 60-70 billion, a saving of as much as two thirds. The new Household Allowance will provide cash transfers to compensate lower and middle-income households for the direct and indirect negative impact on living costs of the subsidy reforms.[20] All beneficiaries of the existing cash transfer system under Royal Decree No. M/45 of 2006 are supposed to be automatically enrolled. New beneficiaries can enrol using an online portal or by going to a social security office. The Household Allowance will be part of an overall Citizen Account system, constructed on the basis of greatly expanded data gathering capacities and the building of comprehensive databases designed to fill major existing knowledge gaps and bring together information currently held in widely dispersed places.

29. **Overall, the elimination of wasteful subsidies and the targeting of the poor and those most in need are praiseworthy objectives. Nevertheless, without entering into the many complexities and unknowns of the proposed reforms, there are various considerations and recommendations by the Special Rapporteur, which the Government might wish to take into account:**

(a) **The Government is in the process of developing a Social Protection Strategy together with the World Bank, at the same time as it is undertaking ambitious reforms of the existing social protection system. Consideration should be given to extending the very tight timetable for the introduction of the reforms. They are too important to fail, but the existing timetable seems unrealistically ambitious, especially taking into account that the Government is simultaneously rethinking its whole Social Protection Strategy. Experience from other countries shows that subsidy reforms and the introduction of cash transfer programmes have a major impact on society and can trigger a strong backlash. The Kingdom's 2016 experience of social unrest in response to reduced water subsidies, as well as inflationary pressures linked to subsidy reform,[21] suggest that caution should temper ambition. In the Middle East and North Africa Region, IMF has noted that successful subsidy reform requires "thorough preparation, including clear diagnostics and careful planning of the pace and breadth of reform";[22]**

(b) **Saudi citizens have not been meaningfully consulted about the details of either the Vision 2030 approach to social protection or the proposed Social Protection Strategy. Discussions to date have essentially taken place behind closed doors. Given that the reforms will have an enormous impact on Saudi society, including its poorer**

[18] See Steffen Hertog, "Challenges to the Saudi distributional State in the age of austerity", paper presented at the conference entitled "Saudi Arabia: domestic, regional and international challenges", Middle East Institute, National University of Singapore, 12-13 December 2016.

[19] Glada Lahn, *Fuel, Food and Utilities Price Reforms in the GCC: A Wake-up Call for Business* (London, Chatham House, June 2016), p. 2.

[20] Saudi Arabia, "Fiscal Balance Program: Balanced Budget 2020", p. 58. Available from http://vision2030.gov.sa/sites/default/files/attachments/BB2020_EN.pdf.

[21] "In the wake of an increase in petrol prices in January, alongside rises in electricity and water bills, year-on-year inflation rose to 4.1% in the first seven months of 2016, compared with 2.3% at end-2015", Economist Intelligence Unit, "Country report: Saudi Arabia, generated on November 16th 2016", p. 8.

[22] Carlo Sdralevich and others, *Subsidy Reform in the Middle East and North Africa*, p. xi.

segments, public consultations should be held in which individuals and civil society organizations can openly express their feedback on planned reforms. That is required as a matter of human rights (the right to political participation), as a matter of good planning (perfecting the design), and as a matter of ensuring essential public support. At present, despite the 2015 non-governmental organization (NGO) law,[23] there is almost no meaningful engagement with civil society or human rights groups;

(c) The approach to social protection reflected in Vision 2030 and the Social Protection Strategy mirrors that of the World Bank. While that approach has much to recommend it, the Social Protection Floor Initiative supported by the United Nations, the International Labour Organization (ILO) and the World Health Organization is more comprehensive, less focused on exclusionary concerns, and is rooted in human rights (see A/69/297). The Government would benefit greatly from inviting organizations such as ILO, the United Nations Children's Fund (UNICEF), UNDP and the Economic and Social Commission for Western Asia (ESCWA) to be involved in its plans for the reform of its social protection system;

(d) The Government should acknowledge the right to social protection as a human right. That would: (i) reinforce the Qur'anic injunction in relation to the obligations of the ruler and the rights of the poor and needy under Zakat;[24] (ii) signal that the dramatic market liberalization programme contained in Vision 2030 will be developed in a manner that is consistent with respect for the right to social protection; and (iii) give content to article 27 of the 1992 Basic Law of Governance by which the State guarantees the rights of the citizen and his family in cases of emergency, illness and disability, and in old age;

(e) The plans announced to date are important because they eliminate wasteful, inefficient and regressive subsidies and cushion the political and economic impact of the reforms. However, they do not yet add up to a coherent or comprehensive plan to achieve social protection for all those in need. They could not do so, since there has not yet been any systematic mapping of poverty or any detailed analysis of its characteristics in the Kingdom. While many of the existing social assistance and other entitlements need to be reformed, they should not simply be replaced by a single cash transfer system;

(f) Existing cash transfers under Royal Decree No. M/45 of 2006 do not target the poorest in any systematic sense, but rather focus on specific categories such as orphans and female-headed households. They reflect a traditional welfare rather than an empowerment approach and result in significant social spending on the non-poor (so-called "leakage"). In order to effectively reduce poverty in Saudi Arabia and to prevent wasteful and unjust spending of social welfare funds on the non-poor, newly designed social assistance measures should be directed towards the poorest in Saudi society. In the absence of income tax data or a poverty register, the Government is greatly hampered in any effort to design an equitable and effective social protection system;

(g) Decisions to deny social assistance to individuals should be able to be appealed to a well-designed judicial or quasi-judicial complaint mechanism, rather than being left to the unfettered discretion of the Ministry, tempered only by possible social media mobilization.

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[23] See Adam Coogle and Kristine Beckerle, "Dispatches: better late than never – Saudi Arabia approves NGO law", 2 December 2015. Available from www.hrw.org/news/2015/12/02/dispatches-better-late-never-saudi-arabia-approves-ngo-law.

[24] Verses 70:24 and 51:19 of the Qur'an assert that the poor have a just claim (*haqq*) to a share in wealth. Amy Singer, *Charity in Islamic Societies* (Cambridge, Cambridge University Press, 2008), p. 35.

C. Taxation policy in Saudi Arabia

30. Taxation is crucial to ensure the collection of the revenue necessary to fund social protection expenditure. One possible revenue stream that should be further explored is the collection of the personal zakat tax of 2.5 per cent by the Government. The 1951 Royal Decree No. 17/2/28/8634 allows for the levying of personal zakat and zakat on companies, but the General Authority for Zakat and Income Tax currently collects zakat from companies only. It will soon create an account for the payment of voluntary personal zakat to the General Authority, but if that were to be made obligatory it would significantly increase the revenue stream for social assistance. There is widespread avoidance of corporate zakat taxes and the Authority's plan to ensure more effective collection is an important step in reassuring the public that the payment of taxes and social protection are directly linked.

31. Taxation is also crucial as a redistributive tool to decrease economic inequality and enhance equal opportunities, both of which are important objectives from a human rights perspective (see A/HRC/29/31). While inequality levels have dropped since 2007, in large part because of redistributive policies adopted in the wake of the so-called "Arab Spring", they remain inordinately high. For the country as a whole, the Gini coefficient was 0.46, but in Riyadh the rate is 0.54. By way of comparison, the Gini coefficient of the United States of America, which is already high, is 0.39.[25] Redistributive policies designed to diminish inequality and thus enhance efficiency and fairness should focus on educational opportunities and social assistance for the poorest. Vision 2030 plans to impose a value added tax (VAT) of 5 per cent. Since VAT is clearly regressive, it is important not just to ensure appropriate exemptions for the items of most importance to the poor, but also to complement that initiative with a broader focus on building fairness into the taxation system.

32. Until recently, the steady flow of high oil revenues in Saudi Arabia made discussions about taxation policy largely optional. However, lower oil prices and the likelihood that they will not recover their former levels have incentivized the Kingdom to increase its non-oil revenues, including through taxation. Nevertheless, as the Government becomes more reliant on taxation to generate revenue, the more taxpayers will demand transparency concerning government finances and expenditures. In terms of budget transparency, Saudi Arabia is currently at the bottom of international rankings.[26] As the economy becomes more dependent on tax revenue, taxpayers will increasingly question the country's massive military spending and the small amounts devoted to social protection for society at large and for the poorer segments in particular. According to the authoritative Stockholm International Peace Research Institute (SIPRI) database, Saudi Arabia spent 13.7 per cent of its GDP on military expenditure in 2015, which equals US$ 2,778 per capita.[27] In meetings with government officials, the Special Rapporteur was told that the 2016 social security budget of Saudi Arabia was around SRI 31 billion, which is only 15 per cent of the SRI 205 billion that Saudi Arabia acknowledges spending on the military in 2016.[28] Independent observers suggest that the figure is actually much higher, and that social spending is less than 10 per cent of defence spending.[29] In a context of vast and relatively reliable oil revenues, lavish military spending might be seen to be less problematic. In an era of comprehensive belt-tightening and of efforts to develop balanced,

[25] Organization for Economic Cooperation and Development, "Inequality remains high in the face of weak recovery", November 2016, p. 6. Available from www.oecd.org/social/OECD2016-Income-Inequality-Update.pdf.

[26] Saudi Arabia has the lowest score in the 2015 Open Budget Index rankings, calculated by the International Budget Partnership. Available from www.internationalbudget.org/opening-budgets/open-budget-initiative/open-budget-survey/publications-2/rankings-key-findings/rankings/.

[27] See SIPRI Military Expenditure Database. Available from www.sipri.org/databases/milex.

[28] Saudi Arabia, "2017 Budget: public statement copy", p. 22.

[29] SIPRI puts the figure at SRI 327 billion in 2015. See "SIPRI Military Expenditure Database". Available from www.sipri.org/databases/milex.

equitable, sustainable and community-supported economic and social structures, social spending will need to be accorded much higher priority.

D. The role of charities[30]

33. In Saudi Arabia, coordination of social protection policy is a major challenge, not just among government departments, but also vis-à-vis the extensive network of charities that channel large amounts of money and carry important operational responsibilities.

34. The Ministry of Labour and Social Development provided charitable organizations with around SRI 500 million in 2016, and other government agencies provided significant additional funding. Charities also receive extensive donations from private individuals, often in the form of zakat payments. They play an important cultural role in the Kingdom, but are not independent of the Government, and demanding registration requirements stifle their potential for taking initiatives. Government funding increasingly targets specific priorities, but there is little meaningful oversight and monitoring of the effectiveness of charity spending. Various interlocutors criticized charities as being "amiable amateurs", providing "charitable" services without focusing on structural means to help their beneficiaries out of poverty. The culture of charities is only gradually beginning to change from service delivery to development.

35. The coverage that charities achieve is not comprehensive, systematic or evenly distributed. Many dealing with women seem more concerned to teach them sewing, embroidery, cooking and other traditional jobs than with giving them skills that are in serious demand in the labour market. In terms of government policy, the King Khalid Foundation has called for the creation of a ministerial committee to design and implement improved policies. Some such coordination mechanism is clearly needed. A charities commission could encourage greater autonomy, promote better coordination and stimulate reflection on the new policies required in the new world of Vision 2030.

IV. Specific issues

A. Relevance of human rights for reform

36. Just as the global 2030 Agenda for Sustainable Development is grounded in the Universal Declaration of Human Rights, so too should Vision 2030 be seen as unavoidably linked to human rights policies in the Kingdom.

37. However well-designed and well-packaged, the success of Vision 2030 will ultimately dependent on public support. The Government clearly acknowledges that, albeit within limits, as indicated by the unprecedented public relations campaign it has undertaken, and its limited experiments in consulting with some stakeholders in the process of drafting the Vision. However, even IMF, an organization that is concerned with economic viability rather than human rights, has noted that the crucial challenge in such reform contexts lies in "involving key stakeholders such as political parties, civil society, and the private sector".[31]

38. Public support and participation are not easy to achieve in a country in which there are no political parties, no national elections and significant restrictions on free speech, especially in relation to criticism of government policies. The Special Rapporteur's interlocutors either sought to justify the limitations imposed on the grounds of national security and the need to avoid the chaos engulfing some neighbouring countries, or to point out that important initiatives have been taken in recent years to promote and facilitate

[30] Charities, which report to the Ministry of Labour and Social Development, should be distinguished from foundations, which are set up by decree of the King and are independent from the Ministry of Labour and Social Development.

[31] Carlo Sdralevich and others, *Subsidy Reform in the Middle East and North Africa*, p. xi.

broader consultation. They pointed to the role of the Shura Council, the municipal elections and various other consultative bodies.

39. However, the most positive development is the rise of social media as a forum for less constrained public debate. One third of the Saudi population are active social media users, with Whatsapp being used by 27 per cent, Facebook by 25 per cent and Twitter by 20 per cent.[32] Because of its characteristics, the latter seems especially significant in terms of political commentary and campaigns. Social media have proved to be a potent tool and an important reminder to the Government of the need to listen to public opinion, especially in relation to social and economic policies and reform. However, the Government monitors social media very closely and has brutally repressed certain manifestations of opinion.[33] The role of social media has been confined to a safety valve and has not led to more formal opportunities for freely expressing views and debating policies.

40. Ultimately, the Government needs to accept increased political participation by the Saudi public as a matter of human rights as well as good policy and ensure that existing platforms for participation are protected and new channels allowed to open.

B. Women's rights

41. Vision 2030 calls Saudi women "a great asset" and acknowledges the role of the Government in assisting them to develop their talents and investing in their capabilities.[34] Women are more represented in universities than males and often outperform them in different spheres. However, the fact that they still make up a tiny percentage of the labour market, and are effectively prevented from performing a great many occupations, significantly constrains the economic potential and social development of Saudi Arabia. The Global Gender Gap Index, 2015, compiled by the World Economic Forum, ranks Saudi Arabia 134 out of 145 countries.[35] If it is to succeed fully, Vision 2030 should also be seen as a transformational opportunity to enhance gender equality, especially of women and girls in the lower income quintiles. As a party to the Convention on the Elimination of All Forms of Discrimination against Women, and in the light of its acceptance of relevant recommendations in the universal periodic review context, Saudi Arabia needs to attach much greater importance to ensuring the rights of women.

42. Before noting the continuing restrictions that have a negative impact on women's abilities to work, travel and engage fully as productive members of society outside of the household, it is very important to acknowledge that positive developments and changes in societal attitudes are taking place. Recent Saudi history shows that the lifting of traditional restrictions on women can greatly enhance their prospects for economic and social progress. For example, the decision to allow women to work in more areas of the private economy, including in the retail sector, has transformed public spaces and enabled a large number of women to enter the labour force.[36] Other recent steps to lift restrictions have also had both symbolic and practical impacts on the ability of women to participate in economic and social life in Saudi Arabia. They include the opening of the first mixed-gender campus

[32] See www.smartinsights.com/social-media-marketing/social-media-strategy/new-global-social-media-research/#sthash.mjcqfmWK.dpuf.

[33] See, for example, Amnesty International, "Saudi Arabia: journalist sentenced to five years in prison for tweets latest victim of crackdown", 25 March 2016. Available from www.amnesty.org/en/latest/news/2016/03/saudi-arabia-journalist-sentenced-to-five-years-in-prison-for-tweets-latest-victim-of-ruthless-crackdown/, and Human Rights Watch, "Saudi Arabia: intensified repression of writers, activists", 6 February 2017. Available from www.hrw.org/news/2017/02/06/saudi-arabia-intensified-repression-writers-activists.

[34] Saudi Arabia, "Vision 2030", p. 37. Available from http://vision2030.gov.sa/sites/default/files/report/Saudi_Vision2030_EN_0.pdf.

[35] See http://reports.weforum.org/global-gender-gap-report-2015/economies/#economy=SAU.

[36] Government figures, which have been disputed, claim that the employment of women in the private sector has increased from 55,000 in 2010 to 454,000 at the end of 2013. See Louise Redvers, "Keys to the Kingdom: the slow rise of Saudi women", 9 April 2015. Available from www.bbc.com/capital/story/20150408-slow-gains-for-saudi-women.

at the King Abdullah University of Science and Technology in 2009, the participation of Saudi women in the Olympic Games for the first time in 2012 and the admission of females to law practice since late 2013.

43. However, major challenges persist with regard to the human rights of women, and those challenges weigh even more heavily on women living in poverty.[37]

44. First, while the law no longer requires the permission of male guardians before women can work,[38] many employers still insist on such authorization and the Government has abdicated its responsibilities by not intervening. That puts women at the mercy of the employers' own preferences and their guardians' goodwill. Women from lower-income and less educated backgrounds face more challenges in convincing their guardians to allow them to work, especially in mixed gender workspaces.

45. Second, once employed, women from poorer backgrounds face additional obstacles. They may need someone to care for their children while they are at work. Hiring a migrant domestic worker is prohibitively expensive. Firms with more than 50 workers are required by law to provide day care, but that law is widely flouted. Because women are banned from driving and public transport is generally lacking, poorer women who want to work must rely on family and friends for transport or pay a high price for it. That is a big barrier to employment for such women.

46. Third, while public sector female employment is gradually increasing, it remains not only segregated but confined to a limited range of posts, even if prominent exceptions can be shown. There are no female judges or prosecutors and only 87 out of 963 diplomats are women. Women are, however, better represented in universities, and in the health and education sectors.

47. Fourth, women abandoned by their husbands often face major problems.[39] They can file for divorce, but court procedures can take years to conclude. Without a divorce agreement, social assistance is difficult to obtain and permission is still required from the husband to work and for other matters. While sharia law obliges the husband to maintain his family, an abandoned woman will have to go to court to realize her rights. That represents an impossible threshold for many poorer women.

48. Fifth, women still have very limited opportunities to use the formal political process to bring about change. Women have been able to vote and stand for election to chambers of commerce since 2005, and be candidates in municipal elections since 2015. There are 22 female members of municipal councils nationwide, and 20 per cent of those appointed by the King to the Shura Council are women. That remains a very narrow opening, however, and beyond it there is very little space for women to participate in public policymaking. Despite the 2015 NGO law, which the Government claims has increased the number of civil society organizations from 1,064 to 1,227, there are no NGOs in Saudi Arabia that are allowed to work on human rights, let alone women's rights, and only very few charities and foundations engage in public policy advocacy work. Neither the Human Rights Commission nor the National Society for Human Rights are truly independent of the Government, and neither takes a strong public stand in promoting rights for women.[40] The main space available for women to participate is on social media, especially Twitter.

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[37] For an excellent recent overview, see Human Rights Watch, *Boxed In: Women and Saudi Arabia's Male Guardianship System* (2016). Available from www.hrw.org/sites/default/files/report_pdf/saudiarabia0716web.pdf.

[38] See Sara Anabtawi, "Saudi women no longer need male consent to work – report", 13 May 2012. Available from www.arabianbusiness.com/saudi-women-no-longer-need-male-consent-work-report-457596.html#sthash.blVH1FOA.dpuf. See also Human Rights Watch, *Boxed In: Women and Saudi Arabia's Male Guardianship System*, p. 2.

[39] Ibid., p. 53.

[40] For example, in its third report on the human rights situation in the Kingdom of Saudi Arabia (2012), the National Society for Human Rights acknowledged the issue of women's access to their rights. The thrust of the analysis was to praise the King for giving women all their rights. There was little mention of the immense challenges that remained.

Campaigns such as #TogetherToEndMaleGuardianship[41] and #StopEnslavingSaudiWomen[42] have reached hundreds of thousands of followers in the Kingdom and beyond, and have had an effect on the public debate. In addition, privately developed applications such as "Know Your Rights" assist in educating women about their human rights.[43]

49. Most officials suggest that the Government is not opposed to abolishing the ban on driving or eliminating many of the guardianship restrictions, but they quickly add that important elements in society remain opposed. However, the Government cannot just remove itself from those debates. It has obligations to respect and promote the human rights of women, as acknowledged in the context of the universal periodic review, and it should seek to educate and inform the general public, especially in relation to any traditional and community practices that seek to deny basic rights to any group. It is also important to note that when systematic surveys of public opinion have been undertaken, a clear majority has in fact favoured letting women drive.

50. **The Special Rapporteur has the following specific recommendations to promote and protect women's rights, with an emphasis on areas where the socioeconomic reform agenda of Vision 2030 and the human rights of women can be mutually reinforcing:**

(a) **Education is the key to enabling women to participate in society as equal citizens. The Government should strictly enforce the law requiring all girls to attend primary school. There is still a higher percentage of girls than boys who do not complete primary school, but reliable data are scarce and, very problematically, are not disaggregated by sex;**[44]

(b) **The Government should enforce the 2012 rule that women no longer need a guardian's permission to work. It should issue clear directives to all employers prohibiting requests to show permission, and undertake a media campaign to vindicate women's right to work. That could easily begin with an affirmative statement by the Minister of Labour and Social Development. Employers who continue to request such permission from guardians should be prosecuted or fined;**

(c) **The Government should respect and protect the human right of all Saudis to freely express their opinion on social media, including in relation to women's rights. Calling online for equal rights for women is not a crime**[45] **and debate on the issue should be stimulated rather than censored. Where individuals promoting women's rights are threatened, the Government should act swiftly to protect them and make clear that such threats are unacceptable.**

C. Human rights of female migrant domestic workers

51. Migrant workers make up approximately one third of the total population of Saudi Arabia and perform many of the available private sector jobs. During his visit, the Special Rapporteur focused specifically on female domestic workers, of whom there are estimated

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[41] See India Ashak, "Saudi women launch Twitter campaign demanding end to male guardianship", 2 September 2016. Available from www.thetimes.co.uk/saudi-women-launch-twitter-campaign-demanding-end-male-guardianship-1574537.

[42] See www.dw.com/en/stopenslavingsaudiwomen-protesting-against-male-guardianship/av-35939277.

[43] See Dina al-Shibeeb, "Saudi lawyer's 'know your rights' app for women gets 50,000 subscribers", 29 November 2016. Available from http://english.alarabiya.net/en/media/digital/2016/11/29/Saudi-lawyer-s-know-your-rights-app-to-women-gets-50-000-subscribers-.html#sthash.blVH1FOA.dpuf.

[44] Ministry of Economy and Planning and UNDP, "Kingdom of Saudi Arabia: Millennium Development Goals 2013", p. 41. Available from www.undp.org/content/dam/undp/library/MDG/english/MDG%20Country%20Reports/Saudi%20Arabia/MDG%202013%20KSA.pdf?download.

[45] See Adam Withnall, "Samar Badawi: Saudi Arabia jails one of its most prominent activists for women's rights", *Independent*, 13 January 2016. Available from www.independent.co.uk/news/world/middle-east/samar-badawi-saudi-arabia-jails-one-of-its-most-prominent-activists-for-women-s-rights-a6809471.html.

to be over 3 million in Saudi Arabia.[46] Those women face non-payment of salaries, excessive working hours, verbal, mental, physical and sexual abuse,[47] and are among the poorest members of Saudi society.

52. There are several structural causes for those abuses. One is the *kafala* visa sponsorship system, which ties the residency permits (*iqama*) of the domestic workers to the employer (sponsor or "*kafeel*") for their contract period, thereby giving the employer tremendous power over the worker, a power that has been likened to a contemporary form of slavery.[48] While other Gulf countries have adopted reforms of the *kafala* system,[49] there are no indications that Saudi Arabia will change its system in any meaningful way in the foreseeable future.

53. A second cause is that female domestic workers are hired through recruitment agencies, which charge hefty fees, as high as SRI 20,000, which many employers illegally seek to pass on to the worker by deducting them from her salary. In other cases, female domestic workers are transferred from one employer to the next, because the original employer cannot afford to pay back the recruitment fee. Those transactions are often opaque and not accompanied by a formal transfer of the *iqama*, which makes it harder to track the whereabouts of women in that situation. They thus risk crossing the line into a form of human trafficking, which is criminalized in the Kingdom.

54. A third cause is the reliance of Saudi families on cheap foreign domestic workers, as well as the reliance of the female domestic workers on employment in the Kingdom. That ensures a steady flow of workers from various parts of the world to Saudi Arabia. The size of that migrant population complicates effective oversight in the country, although that is no excuse for the Government's failure to enforce existing rules.

55. The Government is responsible for guaranteeing full respect for the human rights of migrants and ensuring accountability in the case of rights violations. In 2013, it adopted improved regulations for domestic workers, but there is a chronic lack of enforcement. While the Ministry of Labour and Social Development claims to undertake inspections and investigate alleged violations, there are no publicly available statistics on its enforcement efforts and little tangible evidence of results.

56. The Ministry of Labour and Social Development now gives domestic workers a free SIM card upon arrival in Saudi Arabia, but, as with passports, many employers confiscate the SIM card. According to the Ministry, a hotline had received 165,095 calls from domestic workers, but it could provide no details of how many of those calls were from female domestic workers, the nature of the complaints, the number of cases resulting in enforcement actions, or the number of employers sanctioned for violating the regulations. The Special Rapporteur understands that government committees have recently been set up

[46] United States of America, Department of State, "Saudi Arabia 2015 Human Rights Report", p. 51. Available from www.state.gov/documents/organization/253157.pdf.

[47] See "Final Report of the investigating mission of the Committee on Overseas Workers' Affairs to Saudi Arabia, January 9-13, 2011". Available from https://centerformigrantadvocacy.files.wordpress.com/2012/06/report-of-congress-mission-to-saudi-arabia-on-the-ofw-condition.pdf; William Davison, "Ethiopia workers return from Saudi Arabia telling of abuse", 13 December 2013. Available from www.bloomberg.com/news/articles/2013-12-12/ethiopian-migrant-workers-return-from-saudi-with-tales-of-abuse; Rothna Begum, "Gulf States fail to protect domestic workers from serious violence", 16 October 2015. Available from www.hrw.org/news/2015/10/16/gulf-states-fail-protect-domestic-workers-serious-violence; Laetitia Bader and Rothna Begum, "Somali domestic workers at risk as Ramadan departures down", 11 June 2016. Available from www.hrw.org/news/2016/06/11/somali-domestic-workers-risk-ramadan-departures-down.

[48] See Migrant Forum Asia, "Reform of the kafala (sponsorship) system". Available from www.ilo.org/dyn/migpractice/docs/132/PB2.pdf; Human Rights Watch, "Saudi Arabia: steps toward migrant workers' rights", 15 November 2015. Available from www.hrw.org/news/2015/11/15/saudi-arabia-steps-toward-migrant-workers-rights; "Migration in the Gulf: open doors but different laws", *The Economist*, 8 September 2016. Available from www.economist.com/news/middle-east-and-africa/21706524-because-migrants-gulf-have-few-rights-locals-let-more-them-open.

[49] See www.migrant-rights.org/2016/11/qatars-kafala-reforms-a-ready-reckoner/.

to deal with civil disputes between employers and female domestic workers about contractual issues. However, few cases appear to have been handled by the new bodies to date.

57. The many bilateral agreements between Saudi Arabia and sending countries containing labour protections for female domestic workers cannot make up for the domestic enforcement gap. Foreign countries are not well placed to enforce those bilateral agreements and the plethora of agreements also contributes to the differential treatment of female domestic workers based on nationality.

58. Female domestic workers who flee from their employers often end up in embassy-run shelters. The Government has now opened its own shelters and wants them to be used instead. The Special Rapporteur visited one of the government-run shelters in Riyadh. According to Ministry of Labour and Social Development statistics, "there are currently nine such shelters for female domestic workers, and in 2015-2016, some 7,226 women stayed for an average of 15 days. According to the Government, only a small minority of those women had complaints about abuse by their employer or the non-payment of salaries. That claim contradicts other studies, which reveal much higher percentages. In the future, female domestic workers will be much worse off in government-run shelters than in those run by embassies unless the former provide essential advisory, counselling and other services, and the Government is prepared to be more transparent about the situation. It seems unlikely that will be achieved in the short term, and it is even less likely if the centres are privatized, as has been mooted.

59. Criminal prosecutions of employers for abuse are very rare, while female domestic workers often face criminal charges. According to statistics of the Congress of the Philippines, there were 358 Filipinas in prison, detention centres, under house arrest, or with pending cases in criminal court in Jeddah and Riyadh alone in the first half of 2015. Since a quarter to a third of migrant workers from the Philippines are female domestic workers according to those same statistics, it is safe to assume that a significant number of those women facing criminal charges are domestic workers. Moreover, female domestic workers, including those from countries such as Indonesia[10] and Sri Lanka,[11] have been executed in recent years and others currently face the death penalty.

60. **The Special Rapporteur makes the following specific recommendations:**

(a) **The Government should start a public information campaign reaffirming the human rights of female domestic workers and emphasizing the obligation of Saudi employers' to treat them with respect and dignity and to respect their human rights fully;**

(b) **The Government should enhance enforcement of the 2013 Regulation on Domestic Workers and publish statistics on measures taken. It should actively and publicly prosecute employers suspected of abuse of female domestic workers;**

(c) **Differentiated bilateral treaty protections for female domestic workers, and the 2013 Domestic Workers Regulation, should be replaced by a new chapter on domestic workers in the Labour Code that sets higher standards, uniformly applicable to female domestic workers of all nationalities;**

(d) **It is estimated that there are currently around 500,000 undocumented Indonesian domestic workers in the Kingdom, as a result of the cancellation of the agreement facilitating legal migration by Indonesia. An amnesty for those and other workers in a similarly situation should be considered.**

[10] See "Indonesia to stop sending domestic workers to Middle East – reports", *Guardian*, 5 May 2015. Available from www.theguardian.com/world/2015/may/05/indonesia-to-stop-sending-domestic-workers-to-middle-east-reports.

[11] See www.migrant-rights.org/2015/12/another-sri-lankan-domestic-worker-faces-execution-in-saudi/.

D. Human rights of non-Saudis living in poverty

61. The lack of data and transparency about poverty in Saudi Arabia is especially problematic in relation to non-Saudis who are not migrant workers. They include, among others, non-Saudis who come to the country on Hajj or Umrah visas and never leave (concentrated in and around Mecca and Medinah), those who enter the country illegally, refugees from surrounding countries and the children of those non-Saudis who are born in Saudi Arabia. According to various experts with whom the Special Rapporteur met, many of these non-Saudis live in poverty and they are among the most vulnerable people in the Kingdom. There is, for example, a large Yemeni population living in very poor conditions in tents near Jeddah, while certain poor neighbourhoods in the city consist largely of various African nationalities. However, the lack of data and transparency ensure that such population groups remain determinedly below the radar screen, which has very negative implications for policymaking and facilitates official denial of the extent of the problems.

62. The Special Rapporteur gained some insight into the situation of poor non-Saudis from a visit to Al Jihal neighbourhood in Jizan, a poor area long scheduled for demolition. The majority of the residents in that area are originally from Yemen, but they have lived in Saudi Arabia for decades and many of the younger residents were born there. The neighbourhood will be demolished, but under the demolition plan only Saudi homeowners will receive compensation. Yemenis with temporary residence permits, which they have had to renew every six months since the war with Yemen started, have to leave without receiving any compensation and are expected to find another place to live of their own accord. Children without residence permits are denied access to education and non-Saudis are often denied free medical treatment at hospitals, according to some of the residents with whom the Special Rapporteur met.

63. Senior officials of the King Salman Humanitarian Aid and Relief Centre explained to the Special Rapporteur that Saudi Arabia, which is not a State party to the 1951 Convention relating to the Status of Refugees, refers to its refugees as "visitors". According to the Centre, they receive visitor identity papers and have the freedom of movement, freedom to work and access to free health care and education. The officials claimed that there are currently 500,000 Yemenis and 300,000 Syrians in the country who make use of free primary health care and whose children attend free primary schools. The Government also claimed that the total number of Yemeni and Syrian students who are enrolled in public schools has reached 285,644 and 141,406 respectively. However, that seems rather implausible given that various other experts informed the Special Rapporteur about the many non-Saudis who have been in the country for decades, including from countries such as Egypt, Lebanon, the Syrian Arab Republic and Yemen, and do not have access to such free social services. That problem was confirmed during his visit to Al Jihal neighbourhood in Jizan.

64. The Special Rapporteur asked the Ministry of Labour and Social Development in writing whether any policies or programmes exist that explicitly address the situation of non-Saudis who are not migrant workers and are living in poverty. No answer has been received. It is, however, clear that under the existing cash transfer system of Royal Decree No M/45 of 2008, only Saudi nationals are eligible to receive benefits (art. 2). Beneficiaries of the new Household Allowance cash transfer system should also, with a few exceptions, be Saudi citizens residing in the country.[37] Charities indicated that they cannot assist poor non-Saudis with government money according to rules set by the Ministry of Labour and Social Development. The Special Rapporteur recalls that the International Convention on the Elimination of All Forms of Racial Discrimination, to which Saudi Arabia acceded in 1997, requires it to guarantee human rights, including the right to social security, without distinction as to race, colour, or national or ethnic origin.[38] Differential treatment between citizens and non-citizens is permissible only insofar as it is applied

[37] Saudi Arabia, "Social Reform Program: Balanced Budget 2020", p. 93.

[38] See International Convention on the Elimination of All Forms of Racial Discrimination, art. 5.

pursuant to a legitimate aim and is proportional to the achievement of such an aim.[74] In the light of these obligations, the Government needs to urgently address the situation of poor non-Saudis. There are many ways in which a policy for that group can be shaped, even if noncitizens do not receive all of the same entitlements under the social protection system as Saudi citizens.

69. **The Special Rapporteur therefore urges the Government:**

(a) **To make public existing statistics about poverty among non-Saudis and to undertake additional studies as necessary;**

(b) **To formulate policies explicitly aimed at guaranteeing the right to an adequate standard of living for poor non-Saudis;**

(c) **To invite the Special Rapporteur on the human rights of migrants to Saudi Arabia for a country visit.**

V. Conclusion and recommendations

66. **Saudi Arabia is undergoing an economic, social and cultural transformation and Vision 2030 reflects an ambitious and deeply transformative agenda, driven by a combination of economic necessity, social evolution and bold political leadership. In the context of the Vision 2030 agenda, the Special Rapporteur urges the Government, together with Saudi society, to reassess both its human rights and anti-poverty policies in the light of the intrinsic relationship between the two. Specific recommendations in that respect are contained in the body of the report and are not repeated here.**

67. **The Special Rapporteur encourages the Government to build on his visit by engaging in an open debate with the international human rights community. It should follow through on the undertaking made during his visit to invite other United Nations special procedure mandate holders and international human rights NGOs. It is also extremely important for Saudi Arabia to join the overwhelming majority of States, as soon as possible, by ratifying both the International Covenant on Economic, Social and Cultural Rights and International Covenant on Civil and Political Rights.**

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[74] See Committee on the Elimination of Racial Discrimination, general recommendation No. 30 (2004) on discrimination against non-citizens, para. 4.